

23A02843

No. _____

STATE COURT OF DEKALB COUNTY
GEORGIA, DEKALB COUNTY

Date Summons Issued and E-Filed

6/26/2023

SUMMONS

/s/ Monica Gay

Deputy Clerk

Deposit Paid \$ _____

RODERICK CHILES_____
C/O WILLIAM D. HOLMAN, ESQ.

Plaintiff's name and address

vs.

[] JURY

CHRISTOPHER BRANDON KEITH, VETERANS
CHOICE LLC AND INTEGON INDEMNITY
CORPORATION_____
Defendant's name and address

TO THE ABOVE-NAMED DEFENDANT:

You are hereby summoned and required to file with the Clerk of State Court, Suite 230, 2nd Floor, Administrative Tower, DeKalb County Courthouse, 556 N. McDonough Street, Decatur, Georgia 30030 and serve upon the plaintiff's attorney, to wit:
WILLIAM D. HOLMAN, ESQ.

Name

4227 PLEASANT HILL RD., BLDG. 11, DULUTH, GA. 30096

Address

(770) 495-6624

363825

Phone Number

Georgia Bar No.

an **ANSWER** to the complaint which is herewith served upon you, within thirty (30) days after service upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. The answer or other responsive pleading can be filed via electronic filing through eFileGA via www.eFileGA.com or, if desired, at the e-filing public access terminal in the Clerk's Office at 556 N. McDonough Street, Decatur, Georgia 30030

Defendant's Attorney_____
Third Party Attorney_____
Address_____
Address_____
Phone No._____
Georgia Bar No._____
Phone No._____
Georgia Bar No.

TYPE OF SUIT

- ☒ Personal Injury ☐ Products Liability
☐ Contract ☐ Medical Malpractice
☐ Legal Malpractice ☐ Product Liability
☐ Other

Principal \$ _____

Interest \$ _____

Atty Fees \$ _____

Access to the e-filing site and the rules is available at www.dekalbstatecourt.net
 To indicate consent to e-service check the box below.

☐ (Plaintiff consents to e-service pursuant to OCGA 9-11-5 (f). The email address for service appears in the complaint.

STATE COURT OF
DEKALB COUNTY, GA.
6/26/2023 3:45 PM
E-FILED
BY: Monica Gay

EXHIBIT A

IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA

RODERICK CHILES,

Plaintiff,

v.

CHRISTOPHER BRANDON KEITH,
VETERANS CHOICE LLC AND
INTEGON INDEMNITY CORPORATION

Defendants.

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CIVIL ACTION

23A02843

FILE NO.

COMPLAINT FOR DAMAGES

COMES NOW RODERICK CHILES, Plaintiff in the above-styled action, and brings this Complaint for Damages and respectfully shows this Court the following:

1.

The Plaintiff is a resident of the State of Georgia and has been a resident of the State of Georgia at all times relevant to this case.

2.

The Defendant, CHRISTOPHER BRANDON KEITH, is a resident of Medklenburg County, North Carolina and may be served with a copy of this Complaint and Summons through the Georgia Secretary of State pursuant to the Non-Resident Motorist Act of Georgia, with a copy delivered via certified U.S. mail at his residence: 4523 Woodlark Lane, Charlotte, North Carolina 28211.

3.

Defendant, VETERANS CHOICE LLC, is a domestic corporation doing business in the State of Georgia which is subject to the jurisdiction of this Court. This Defendant may be

served via it's registered agent at the following address, to wit: Brad Wherry, 12905 Winget Road, Charlotte, NC 28278.

4.

Defendant, INTEGON INDEMNITY CORPORATION, is a Foreign Insurance Company doing business in the State of Georgia which is subject to the jurisdiction of this Court. This Defendant may be served via it's registered agent at the following address, to wit: Corporation Service Company, 2 Sun Court, Suite 400, Peachtree Corners, Georgia 30092.

5.

At all times pertinent to this case, the Defendant, CHRISTOPHER BRANDON KEITH, was an agent of the Defendant, VETERANS CHOICE LLC at the time of the incident herein complained of, was acting within the course and scope of his employment with VETERANS CHOICE LLC.

6.

The Defendant, CHRISTOPHER BRANDON KEITH is subject to the jurisdiction of this Court.

7.

The Defendant, VETERANS CHOICE LLC is subject to the jurisdiction of this Court.

8.

The Defendant, INTEGON INDEMNITY CORPORATION is subject to the jurisdiction of this Court.

9.

The State Court of DeKalb County is the Court of proper venue in this action.

10.

The State Court of DeKalb County has jurisdiction over the subject matter of this action.

11.

The Defendant, CHRISTOPHER BRANDON KEITH, has been served as required by law with a copy of the Complaint for Damages and Summons in this action.

12.

The Defendant, VETERANS CHOICE LLC, has been served as a required by law with a copy of the Complaint for Damages and Summons in this action.

13.

The Defendant, INTEGON INDEMNITY CORPORATION, has been served as a required by law with a copy of the Complaint for Damages and Summons in this action.

14.

The Defendant, INTEGON INDEMNITY CORPORATION, issued and had in full force and effect a policy of insurance that insured VETERANS CHOICE LLC and its employee CHRISTOPHER BRANDON KEITH, for a collision resulting on or about September 25, 2021.

15.

Defendant VETERANS CHOICE LLC is liable for the injuries and damages that Plaintiff has suffered due to its failure to properly train, and supervise its employee and as a proximate cause of Defendant Keith's negligence under the doctrine of respondeat superior, which damages will be determined by the enlightened conscience of the impartial jury based upon evidence at trial.

16.

On or about the 25th day of September 2021, the Defendant, CHRISTOPHER BRANDON KEITH, was the driver of a 2020 FRHT Cascadia 126 tractor trailer traveling through a parking lot at or near a business located off of Fulton Industrial Boulevard, County of Fulton, State of Georgia.

17.

On or about the 25th day of September 2021, the Plaintiff, RODERICK CHILES was an employee of Lazer Spot and was attempting to back a trailer into a trailer slip on the Lazer Spot premises located off of Fulton Industrial Boulevard, County of Fulton, State of Georgia.

18.

On this said date, the vehicle driven by Defendant, CHRISTOPHER BRANDON KEITH, being aware that Plaintiff was backing and attempting to park a trailer, suddenly and without warning disregarded the Plaintiff and ignored other travel space in the subject yard to pass Plaintiff's vehicle. He proceeded adjacent to the path of the vehicle being backed by the Plaintiff resulting in a crash. This negligent act resulted in a collision and produced the injuries, damages and other losses set out herein.

19.

Plaintiff elects to avail themselves of the procedures set forth under O.C.G.A. §40-1-112 and §40-2-140 that permits this action directly against Defendant, Starr Indemnity & Liability Company as a party Defendant.

20.

The collision between these vehicles occurred as a direct and proximate result of

Defendant CHRISTOPHER BRANDON KEITH'S negligence, failure to exercise ordinary care and disregard for the safety of others.

21.

The Defendant, CHRISTOPHER BRANDON KEITH was negligent in one or more of the following respects:

- a) Defendant failed to stop and remain stopped until the path was clear for him to proceed;
- b) Defendant failed to drive at a reasonable and prudent speed;
- c) Defendant failed to stop, steer away or take other evasive action to avoid the collision made the basis of this claim;
- d) Defendant drove his tractor trailer in reckless disregard for the safety of other drivers on the roadway especially the Plaintiff herein.

22.

Further, the actions of Defendant CHRISTOPHER BRANDON KEITH constitutes a direct violation of numerous statutes of the State of Georgia, with such violations constituting negligence per se or negligence as a matter of law.

23.

The Defendant(s), VETERANS CHOICE LLC was negligent and the proximate cause of the aforesaid loss as follows:

- a) Defendant(s) failed to properly train or supervise its agent and employee,
CHRISTOPHER BRANDON KEITH.
- b) Defendant(s) is responsible for the conduct of its agent and employee,
CHRISTOPHER BRANDON KEITH under the doctrine of Respondeat Superior.

24.

As a direct and proximate result of the actions of Defendants, Plaintiff has sustained:

- a) Bodily injuries including sharp pain to his neck, back and right shoulder, neck pain radiating into the right shoulder, sharp pain in his left knee, back pain with radiation into the right buttock and left lower extremity, and other conditions limiting the motion and function throughout Plaintiff's body;
- b) Past, present and future mental and physical pain and suffering, disruption of normal life and diminution in the enjoyment of life;
- c) Past and present medical expenses and lost wages exceeding Ninety Thousand Six Hundred Twenty-Five Dollars (\$90,625.00), including:
 - 1) VA Medical Center
 - 2) Concentra Medical Center \$ 2,687.84
 - 3) Candler Injury Clinic \$ 4,020.00
 - 4) Wellstar Cobb Hospital \$ 13,522.00
 - 5) The Bortolazzo Group \$ 1,400.00
 - 6) Quantum Radiology \$ 1,006.00
 - 7) Elite Radiology of Georgia \$ 5,850.00
 - 8) American Health Imaging \$ 2,370.00
 - 9) Ortho Sport and Spine Physicians \$ 33,419.84

- | | | |
|-----|--------------------------|--------------|
| 10) | Piedmont Orthopedics | \$ 3,131.00 |
| 11) | Physiotherapy Associates | \$ 11,219.00 |
| 12) | Lost Wages | \$ 12,000.00 |

See, O.C.G.A. § 51-12-7; O.C.G.A. § 24-9-921.

25.

All of the injuries, losses, damages, past, present and prospective to Plaintiff were, are and will be due to the negligence and carelessness of the Defendants.

WHEREFORE, Plaintiff prays and respectfully demands as follows:

- a) That this Complaint for Damages and Summons be issued and served upon the Defendants;
- b) That judgment for general damages be awarded to Plaintiff in an amount to be determined by a fair and impartial jury;
- c) That Plaintiff have and recover for those special damages proven at trial;
- d) That the costs of this action be cast upon Defendants; and
- e) That Plaintiff have such other and further relief as this Court deems appropriate.

This 26th day of June, 2023.

Respectfully submitted,

4227 Pleasant Hill Road
Building 11
Duluth, Georgia 30096
(770) 495-6624
wholman@attorneykennugent.com

By: /s/ William D. Holman
William D. Holman
Georgia Bar No. 363825
Attorney for Plaintiff

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